

SP

1 CARMEN ROY MALDONADO J.R.  
2 PO.BOX 2790  
3 SALINAS, C.A 93902

FILED

DEC 12 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 CARMEN ROY  
10 MALDONADO J.R.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

11 Plaintiff,  
12 vs.  
13 CALIFORNIA DEPARTMENT OF  
14 CORRECTIONS Defendant.  
15 ~~ATA-T.G.I~~

CV 07

CASE NO.

6283

JF  
(PR)

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APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK

450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CA 94102  
(415) 522-2000  
FAX (415) 522-2176

December 6, 2007

Carmen Roy Maldonado  
P.O. Box 2790  
Salinas, CA 93902

Dear Sir/Madam:

We have received your money order #11546702921 in the amount of \$10.00; however, we are returning it for the following reason:

— We do not accept "not to exceed" checks. Please contact the appropriate court personnel for the exact amount to remit.

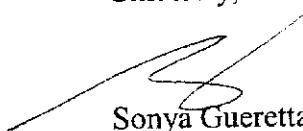
X Your check is issued in the wrong amount. The correct amount should be **\$5.00**.

— We are unable to determine the purpose of your payment. Please provide the case number, case name and purpose of your payment.

X Other: **Submit \$5.00 fee and send letter indicating intake holding petition.**

Once you have provided the above requested information, please return or provide another check in the correct amount to our office.

Sincerely,



Sonya Gueretta  
Financial Technician

UNITED STATES DISTRICT

COURT FOR THE

NORTHEN DISTRICT OF  
CALIFORNIA.

EXABIT.1 THE MEMORANDUM1-2.

EXABIT.2 THE OLD PETITON OF WRIT WITHOUT THE CASE  
NUMBER 1-3.

EXBIT.3 THE SAME CASE ON BOTH WRITS WITH ONE CASE  
NUMBERTHE WRIT THAT IS THE SAME HAS A NEW NUMBER.  
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UNITED STATES DISTRICT  
COURT FOR THE  
NORTHEN DISTRICT OF  
CALIFORNIA.

PLEASE TAKE NOTE:

On 3-15-07 In two cases that are still open  
all these cases will all consolidate with the GRAND JURY  
INQUIRE.

I had sent an MEMORANDUM addressing the  
courts of limitations of responding to  
the DEFENDANT In re THE STATE OF CALIFORNIA  
OF SAN BENITO COUNTY VS, CARMEN ROY MALDONADO J.R.  
Also there is an open case with the DEPARTMENT OF  
CORRECTIONS.I have exhausted all lower county state  
as well the system the is design for C.D.C. inmates  
or DEFENDANTS ON CRIMINAL OR FEDERAL  
REFERRALS. Its up to the probait or the  
appeals department to pick with way they would like

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UNITED STATES DISTRICT  
COURT FOR THE  
NORTHEN DISTRICT OF  
CALIFORNIA.

to proceed. I never got respond of what I  
addressed the court in the MEMORANDUM.

I resubmitted the PETITION FOR WRIT OF HABEAS CORPUS  
under the same case due to an JUDGE FINDINGS  
ON HIS ODERS. In which I sent the burden of proff  
the JUDGE also didnt sent the PETITIONER THE  
proper forms to noticfy the order to the PETITIONER.

I did sent the proper forms but I will resubmit  
the request forms over If your courts would like to  
contact me for an more information into this case  
but I am limited to some questioning but I will provide  
your courts or INQUIRE OFFICERS WITH OLD DOCUMENTS  
that I have.

I will like to be notified of the old case your  
department issued  
the PETITIONER a new case number.

UNITED STATES DISTRICT  
COURT FOR THE  
NORTHERN DISTRICT OF  
CALIFORNIA.

EXHIBIT 2 THE OLD PETITION OF WRIT 1-3

1 **PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

2 Name MALDONADO J.R. CARMEN ROY  
(Last) (First) (Initial)

3 Prisoner Number T-72346

4 Institutional Address On parole po. box 2790 Salinas C.A. 93902

6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 CARMEN ROY MALDONADO J.R.

9 (Enter the full name of plaintiff in this action.)

10 JUDGE STEVEN R. SANDERS THE ACTTING  
11 D.A JOHN J. SARSFIELD  
12 THE DEPUTY COMMISSIONER OF THE  
13 DEPT OF CORRECTIONS OF C.D.C.

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

14 (Enter the full name of respondent(s) or party in this action.)  
15  
16  
17 **PETITION FOR A WRIT**  
**OF HABEAS CORPUS**

18 **PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

19 Name MALDONADO J.R. CARMEN ROY  
(Last) (First) (Initial)

20 **ORIGINAL**  
**FILED**

21 Prisoner Number T-72346

22 MAR 15 2007

23 Institutional Address On state parole

24 RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 CARMEN ROY MALDONADO J.R.

28 (Enter the full name of plaintiff in this action.)

29 VS.  
30 CALIFORNIA DEPARTMENT OF  
31 CORRECTIONS

32 AKA- I.G.I.

33 Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

34 **PETITION FOR A WRIT**  
**OF HABEAS CORPUS**

**U.S. District Court**  
**California Northern District (San Jose)**  
**CIVIL DOCKET FOR CASE #: 5:06-cv-05560-JF**  
**Internal Use Only**

Maldonado v. The Superior Court of San Benito County  
 Assigned to: Hon. Jeremy Fogel  
 Cause: 281051 Petition for Writ of Habeas Corpus

Date Filed: 09/11/2006  
 Jury Demand: None  
 Nature of Suit: 530 Habeas Corpus  
 (General)  
 Jurisdiction: Federal Question

**Petitioner****Carmen Roy Maldonado, Jr.**

represented by **Carmen Roy Maldonado, Jr.**  
 T 72346  
 460 California Street, Apt #9  
 Salinas, CA 93906  
**PRO SE**

**V.****Defendant**

**California Department of  
 Corrections  
 AKA-I.G.I.**

**Respondent**

**The Superior Court of San Benito  
 County**

Date Filed	#	Docket Text
09/11/2006	•1	PETITION for Writ of Habeas Corpus. Filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/14/2006)
09/11/2006	•2	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (gm, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/14/2006)
09/19/2006	•3	MOTION for Leave to Proceed in forma pauperis filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 9/19/2006) (Entered: 09/21/2006)
12/05/2006	•4	Letter from Carmen Roy Maldonado, Jr.. (gm, COURT STAFF) (Filed on 12/5/2006) (Entered: 12/08/2006)
03/01/2007	•5	ORDER OF DISMISSAL WITH LEAVE TO AMEND. Signed by Judge

		Jeremy Fogel on 3/1/07. (jfsec, COURT STAFF) (Filed on 3/1/2007) (Entered: 03/01/2007)
03/01/2007	❶6	ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERI; GRANTING EXTENSION OF TIME TO FILE IN FORMA PAUPERS APPLICATION OR PAY FILING FEE WITHIN THIRTY DAYS by Judge Jeremy Fogel denying [3] Motion for Leave to Proceed in forma pauperis (jfsec, COURT STAFF) (Filed on 3/1/2007) (Entered: 03/01/2007)
03/09/2007	❷7	MOTION for Leave to Proceed in forma pauperis filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/9/2007) (Entered: 03/13/2007)
03/09/2007	❸8	EXHIBIT the Evidence from Superior Court, County of San Benito Court Case CR05-1515 filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/9/2007) (Entered: 03/13/2007)
03/15/2007	❹9	AMENDED PETITION FOR A WRIT OF HABEAS CORPUS against California Department of Corrections. Filed by Carmen Roy Maldonado, Jr. (gm, COURT STAFF) (Filed on 3/15/2007) (Entered: 03/16/2007)
03/15/2007	❺10	EXHIBITS re [9] Amended Complaint filed by Carmen Roy Maldonado, Jr. (Related document(s)[9]) (gm, COURT STAFF) (Filed on 3/15/2007) (Entered: 03/16/2007)
05/11/2007	❻11	ORDER RE ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES: Case designated for electronic filing. Effective immediately all represented parties will e-file their submissions to the court. Represented parties will be required to serve paper copies by mail on unrepresented parties. Unrepresented litigants will continue to file and serve all submissions to the court in paper form unless prior leave is obtained from the assigned judge. Signed by Chief Judge Vaughn Walker dated 5/11/07. Copy mailed to counsel of record. (gm, COURT STAFF) (Filed on 5/11/2007) (Entered: 05/18/2007)
05/29/2007	❻12	Mail Returned as Undeliverable insufficient address, unable to forward. Mail sent to Carmen Maldonado re Electronic Filing Order from Judge Walker dated 5/11/2007. (bw, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/31/2007)

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UNITED STATES DISTRICT  
COURT FOR THE  
NORTHERN DISTRICT OF  
CALIFORNIA.

EXABIT.3 THE SAME WRITS BUT ONE CASE NUMBER AND ITS  
AN NEW ONE. ALSO THE DATA IN WHICH THE COURTS REQUESTED

1-12

OFFICE OF THE CLERK  
NORTHERN DISTRICT OF CALIFORNIA  
280 SOUTH FIRST STREET, ROOM 2112  
SAN JOSE, CALIFORNIA 95113-3095

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300



Carmen Roy Maldonado, Jr.  
T-72346  
PO Box 2790  
Salinas, CA 93902

3530242730

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED

Dear Sir or Madam:

Your petition has been filed as civil case number **07-5679 JF**.

A filing fee of \$5.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee.

Your petition is deficient because you did not pay the filing fee and:

1.  you did not file an In Forma Pauperis Application.

2.  the In Forma Pauperis Application you submitted is insufficient because:

You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

Your In Forma Pauperis Application was not completed in its entirety.

You did not sign your In Forma Pauperis Application.

You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

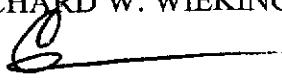
You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

Other \_\_\_\_\_

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

**Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within THIRTY DAYS from the filing date stamped above, your action will be DISMISSED, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether prepayment of the filing fee should be waived.**

Sincerely,  
RICHARD W. WIEKING, Clerk,

By   
Deputy Clerk

1 CARMEN ROY MALDONADO  
2 PO. BOX. 2790  
3 SALINAS, C.A. 93902

4 In pro-  
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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 CARMEN ROY MALDONADO J.R. )  
11 Plaintiff, )  
12 vs. THE SUPERIOR COURT OF )  
13 SAN BENITO COUTY AND C.D.C )  
14 ON A CIVIAL AND Defendant. )  
15 CRIMINAL APPEAL )

CASE NO. \_\_\_\_\_

**APPLICATION TO PROCEED  
IN FORMA PAUPERIS**  
(Non-prisoner cases only)

16 I, CARMEN ROY MALDONADO J.R., declare, under penalty of perjury that I am the plaintiff in  
17 the above entitled case and that the information I offer throughout this application is true and correct. I  
18 offer this application in support of my request to proceed without being required to prepay the full  
19 amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs  
20 of this action or give security, and that I believe that I am entitled to relief.

21 In support of this application, I provide the following information:

22 1. Are you presently employed? Yes        No  X  

23 If your answer is "yes," state both your gross and net salary or wages per month, and give the name and  
24 address of your employer:

25 Gross: \_\_\_\_\_ Net: \_\_\_\_\_

26 Employer: \_\_\_\_\_

27 \_\_\_\_\_

28 If the answer is "no," state the date of last employment and the amount of the gross and net salary and  
APP. TO PROC. IN FORMA

1 wages per month which you received.

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 2. Have you received, within the past twelve (12) months, any money from any of the following  
6 sources:

7 a. Business, Profession or Yes \_\_\_\_ No  X

8 self employment

9 b. Income from stocks, bonds, Yes \_\_\_\_ No  X

10 or royalties?

11 c. Rent payments? Yes \_\_\_\_ No  X

12 d. Pensions, annuities, or Yes \_\_\_\_ No  X

13 life insurance payments?

14 e. Federal or State welfare payments, Yes \_\_\_\_ No  X

15 Social Security or other govern-  
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount  
18 received from each.

19 \_\_\_\_\_

20 \_\_\_\_\_

21 3. Are you married? Yes \_\_\_\_ No  X

22 Spouse's Full Name: \_\_\_\_\_

23 Spouse's Place of Employment: \_\_\_\_\_

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

26 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

27 b. List the persons other than your spouse who are dependent upon you for support and  
28 indicate how much you contribute toward their support. (NOTE: For minor children,

APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

1 list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

2 \_\_\_\_\_

3 \_\_\_\_\_

4 5. Do you own or are you buying a home? Yes        No  X  

5 Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6 6. Do you own an automobile? Yes        No  X  

7 Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

8 Is it financed? Yes        No        If so, Total due: \$ \_\_\_\_\_

9 Monthly Payment: \$ \_\_\_\_\_

10 7. Do you have a bank account? Yes        No  X   (Do not include account numbers.)

11 Name(s) and address(es) of bank: \_\_\_\_\_

12 \_\_\_\_\_

13 Present balance(s): \$ \_\_\_\_\_

14 Do you own any cash? Yes        No        Amount: \$ \_\_\_\_\_

15 Do you have any other assets? (If "yes," provide a description of each asset and its estimated market  
16 value.) Yes        No  X  

17 \_\_\_\_\_

18 8. What are your monthly expenses?

19 Rent: \$  150.00   Utilities: \$  150.00  

20 Food: \$  100.00   Clothing: \$  50.00  

21 Charge Accounts: 0.

Name of Account	Monthly Payment	Total Owed on This Account
o.	\$ 0.	\$ 0.
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

26 9. Do you have any other debts? (List current obligations, indicating amounts and to whom they  
27 are payable. Do not include account numbers.)

28 \_\_\_\_\_

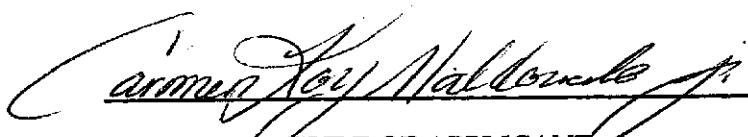
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2 10. Does the complaint which you are seeking to file raise claims that have been presented in other  
3 lawsuits? Yes x No \_\_\_\_\_

4 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which  
5 they were filed. UNITED STATES DISTRICT COURT FOR  
6 CALIFORNIA. CARMEN ROY MALDONADO J.R. VS THE DEPT OF  
7 CORRECTIONS OF CALIFORNIA AKA C.D.C. I.G.I c-06-5561

8 I declare under the penalty of perjury that the foregoing is true and correct and understand that a false  
9 statement herein may result in the dismissal of my claims.

10  
11 DATE

SIGNATURE OF APPLICANT



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APP. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

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2 Case Number: \_\_\_\_\_  
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9 **CERTIFICATE OF FUNDS**

10 **IN**  
11 **PRISONER'S ACCOUNT**

12  
13 I certify that attached hereto is a true and correct copy of the prisoner's trust account  
14 statement showing transactions of \_\_\_\_\_ for the last six months a  
15 at \_\_\_\_\_ [prisoner name] where (s)he is confined.

16 [name of institution]  
17 I further certify that the average deposits each month to this prisoner's account for the  
18 most recent 6-month period were \$ \_\_\_\_\_ and the average balance in the prisoner's  
19 account each month for the most recent 6-month period was \$ \_\_\_\_\_.

20 Dated: \_\_\_\_\_ [Authorized officer of the institution]  
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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**INSTRUCTIONS FOR FILING A PETITION FOR A WRIT OF HABEAS CORPUS  
BY A PERSON IN STATE CUSTODY UNDER 28 U.S.C. §§ 2254**

I. Scope of 28 U.S.C. §§ 2254

You may file a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 if you are in custody pursuant to the judgment of a state court in violation of the federal Constitution or federal laws. You may challenge either the fact or duration of your state sentence; however, any challenge to violations of the federal Constitution or federal law that affects the conditions, as opposed to the fact or duration, of your confinement should be brought in a civil rights complaint under 42 U.S.C. §§ 1983. If you want to file a civil rights complaint under 42 U.S.C. §§ 1983, you may do so on forms provided by the clerk of the court.

9 Note that a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 will not be granted  
10 unless it appears that you have exhausted the remedies available in state court.

## II. Filing a Petition

12 To start a habeas action, you must send the court the following items: (1) an original petition  
13 and (2) a check or money order for \$5.00 or an original Prisoner's Application to Proceed In Forma  
14 Pauperis. In addition to these instructions, this packet includes a petition for a writ of habeas corpus  
form and an Application to Proceed In Forma Pauperis. You must use the forms provided with this  
packet and not any other version. You should keep a copy of the petition and in forma pauperis  
application for your own records.

15 When you have completed the forms, mail the originals to Clerk of the United States District  
16 Court for the Northern District of California, 450 Golden Gate Avenue, Box 36060, San Francisco,  
CA 94102.

17       **NOTE:** If you previously filed a petition for a writ of habeas corpus in federal court that  
18 challenged the same conviction you are challenging now and if that petition was denied or dismissed  
19 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit  
20 for an order authorizing the district court to consider this petition. You may not file a second or  
subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28  
U.S.C. §§ 2244(b).

### III. Filing Fees

22 In order for the petition to be filed, it must be accompanied by the filing fee of \$5.00. If you are  
23 unable to pay the filing fee, you may petition the court to proceed in forma pauperis. A Prisoner's  
24 Application to Proceed In Forma Pauperis form for this purpose is included in this packet. You must  
complete the application, sign it and declare under penalty of perjury that the facts stated therein are  
correct. File the application with your petition and keep a copy for your records.

#### IV. Petition Form

26 Your petition must be legibly handwritten or typewritten, and you must sign it and declare under  
27 penalty of perjury that the facts stated in it are correct. Read the entire petition form before answering  
28 any questions. You will note that brief explanatory comments appear throughout the form. Read these  
carefully before you answer the questions because they are intended to help you fill out the petition as  
well as ensure that you file your petition in the proper court.

1                   Complete all applicable questions in the proper blank spaces. If you need additional space to  
2 answer a question, you may attach additional blank pages. Make clear the question to which any such  
2 continued answer refers.

3                   Only one sentence or conviction may be challenged in a single petition. If you challenge more  
3 than one, you must do so by separate petitions.

4                   **V. After Petition Is Filed**

5                   You will be notified as soon as the court issues an order. It is your responsibility to keep the  
6 court informed of any changes of address to ensure that you receive court orders. Failure to do so may  
7 result in dismissal of your suit.

7                   **VI. Inquiries And Copying Requests**

8                   Because of the large volume of cases filed by inmates in this court and limited court resources,  
9 the court will not answer inquiries concerning the status of your case or provide copies of documents,  
10 except at a charge of fifty cents (\$0.50) per page. You must therefore keep copies of all documents  
submitted to the court for your own records.

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PLICATE

Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611013478  
Cashier ID: bucklem  
Transaction Date: 12/12/2007  
Payer Name: carmen r maldonado

WRIT OF HABEAS CORPUS  
For: carmen r maldonado  
Amount: \$5.00

MONEY ORDER  
Check/Money Order Num: 11547657652  
Amt Tendered: \$5.00

Total Due: \$5.00  
Total Tendered: \$5.00  
Change Amt: \$0.00

c07-6283jf

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.